

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gentz et al.

Docket No.: PF454P2

Application No.: 09/935,727

Confirmation No.: 3532

Filed: August 24, 2001

Art Unit: 1646

For: Tumor Necrosis Factors 6 α & 6 β

Examiner: E.B. O'Hara

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the patent term adjustment (PTA) indicated on Form PTOL-85 with the Notice of Allowance mailed on September 15, 2006. In particular, Applicants believe that the PTA calculation of 176 days is incorrect, and that the proper PTA calculation would show that this application is entitled to at least 327 days of PTA due to Office delays minus the applicable Applicant delays, as described more fully below.

This application is being timely made, as it is being submitted concurrent with the issue fee payment. The requirements of 37 C.F.R. § 1.705(b)(1) are satisfied by the Fee Transmittal Sheet enclosed herewith, authorizing payment of the fee set forth in 37 C.F.R. 1.18(e). The requirements of 37 C.F.R. § 1.705(b)(2) are satisfied by the following statements, as supplemented by the attached Exhibits.

Eligibility for PTA

1. The instant application was originally filed on August 24, 2001. After extensive prosecution, a notice of allowance was mailed on September 15, 2006.
2. On December 16, 2002, an Information Disclosure Statement (IDS), Form PTO/SB/08, and copies of references CF-DN were filed under 37 C.F.R. § 1.56 before the

mailing date of a first office action on the merits. Copies of the IDS, Form PTO/SB/08A, and the date-stamped return receipt postcard evidencing receipt by the Office on December 16, 2002 are attached in Exhibit A. Also included in Exhibit A is a date-stamped copy of Form PTO/SB/08A submitted on December 16, 2006, as recorded in PAIR. The original references have not been included in Exhibit A because Applicants believe that the current showing is sufficient. However, should the Office require the original submitted references, Applicants would be pleased to provide these documents.

3. On May 13, 2003, pursuant to a telephone conversation with Examiner E. O'Hara regarding this application, a letter was sent by facsimile to Examiner O'Hara indicating that copies of the IDS submission and accompanying documents would be resent to the USPTO. A copy of the December 16, 2002 submission, without the accompanying references was submitted on May 13, 2003, by facsimile. The facsimile further indicated that copies of these references would be delivered to the USPTO within one week of May 13, 2003. The references were delivered on May 16, 2003. Date-stamped copies of the papers submitted by facsimile on May 13, 2003, as recorded in PAIR, are attached in Exhibit B. Copies of the papers (excluding the references) hand-delivered to the USPTO and the date-stamped return receipt postcard evidencing receipt by the Office on May 16, 2003, are attached in Exhibit C. Also included in Exhibit C are date-stamped copies of the cover letter and Form PTO/SB/08A submitted to the USPTO on May 16, 2003, as recorded in PAIR.

4. As this application was filed and entered by the Office on August 24, 2001, this application is eligible for patent term adjustment under 35 U.S.C. § 154.

Correct PTA, Bases Therefor, and Relevant Dates

5. The correct PTA due under 35 U.S.C. § 154(b)(1)(A) is at least 327 days. This PTA calculation does not include any PTA that may be due under 35 U.S.C. § 154(b)(1)(B); this application has been pending for more than three years since the filing of the application discussed above.

Patent Office Delay

6. The period between the day after the date fourteen months after Applicants' application was filed and entered (August 24, 2001) and the date of mailing of the first notification under 35 U.S.C. 132 (the Office Action mailed November 5, 2002) is 12 days.

7. The period between the day after the date four months after Applicants' response to the first Office Action under 35 U.S.C. 132 was filed and entered (December 16, 2002) and the date of mailing of the Office's response to the Applicants' submission (the Office Action mailed July 29, 2003) is 104 days.

8. The period between the day after the date four months after Applicants' response to the final Office Action was filed and entered (March 26, 2004) and the date of mailing of the Office's response to the Applicants' submission (the Office Action mailed May 9, 2005) is 287 days.

9. The period between the day after the date four months after Applicants' response to the non-final Office Action was filed and entered (May 3, 2006) and the date of mailing of the Office's response to the Applicants' submission (the Notice of Allowance mailed September 15, 2006) is 12 days.

Applicants Delay

10. The period between the day after the date three months after the mailing of the non-final Office Action ((the Office Action mailed November 4, 2005) and the date the Applicants' response to the non-final Office Action was filed and entered (May 3, 2006) was 88 days.

Total PTA

11. Thus, the instant application is entitled to 327 days of patent term adjustment pursuant to 35 U.S.C. § 154(b)(1)(A)(i) and 37 C.F.R. §§ 1.702(a)(1) & 1.703(a)(1).

12. Applicants note that although the dates shown in File History screen of the PAIR system (attached as Exhibit D) for the filing of the IDS and references on May 16, 2003 are correct, the PTA did not reflect that these submissions were duplicative of the December 16, 2002, submission and were submitted at the Examiner's request, following a telephone conference with the Examiner (as evidenced by the letter sent by facsimile on May 13, 2006 (*see* Exhibit B)). The calculations of PTA shown herein do not include the time period between the earlier submission of the IDS and references on December 16, 2002, and the duplicate IDS and references submitted on May 16, 2003; the Office appears to have determined that the duplicate submission of the IDS and references should be treated as a supplemental paper under 37 C.F.R. § 1.704(c)(8) filed on May 16, 2003, and consequently, has deducted 151 days of PTA. As discussed above in paragraphs 2-3 and below in paragraph 15, this is incorrect.

Terminal Disclaimer

13. The instant application is not subject to a terminal disclaimer.

Efforts to Conclude Processing or Examination

14. After the filing of the IDS discussed above on December 16, 2002, no action was taken by the Office until May 13, 2003, when the Examiner participated in a teleconference with Applicants and requested copies of the papers filed on December 16, 2002. Copies of the IDS without the references were provided by facsimile to the Examiner on May 13, 2002, and the references were hand-delivered to the Patent Office on May 16, 2002. The date-stamped Fax Cover Sheet is included in Exhibit B and the date-stamped postcard evidencing submission of the references on May 16, 2003, is included in Exhibit C.

15. To the extent that the papers provided by facsimile to the Examiner on May 13, 2003 and hand-delivered on May 16, 2003, could be considered a supplemental reply or other paper under 37 C.F.R. § 1.704(c)(8), Applicants point out that these papers were expressly requested by the Examiner via telephone. Thus, no reduction of PTA should be made based on this filing pursuant to 37 C.F.R. § 1.704(c)(8).

16. Other than the circumstances described above, there have been no circumstances that could reasonably be construed as a failure to engage in reasonable efforts to conclude processing or examination of this application.

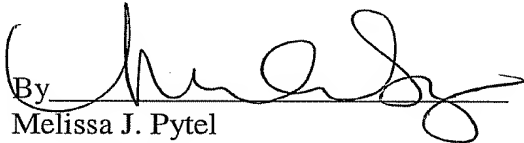
CONCLUSION

Applicants respectfully request that the PTA for the instant application be reconsidered in light of the facts and circumstances described above. In particular, Applicants maintain that the instant application is entitled to at least 327 days of PTA.

If any further information is required, please contact the undersigned at the number listed below. Please charge any additional fees due in connection with the filing of this paper, or credit any overpayment, to Deposit Account No. 08-3425.

Dated: Dec. 11, 2006

Respectfully submitted,

By 
Melissa J. Pytel

Registration No.: 41,512
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850
(301) 610-5764

Exhibit A

RETURN RECEIPT CARD

(MPEP § 503)

OIPE:

Please Date Stamp In
The Box Below And
Return To Addressee



Application of:
Gentz et al.

Docket No.: PF454P2

Application Serial No.: 09/935,727-Conf. #3532

Art Unit: 1646

Filed: August 24, 2001

Examiner: E. O'hara

Title: Tumor Necrosis Factor Receptors 6 Alpha & 6
Beta

The following documents were filed by Human Genome Sciences, Inc.
via hand delivery on December 16, 2002:

1. Return Receipt Postcard;
2. Fee Transmittal charging \$1146 to deposit account (in duplicate);
3. One Month Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
4. Provisional Election Under 37 C.F.R. § 1.43 With Traverse and Second Preliminary Amendment;
5. Version With Markings To Show Changes Made;
6. Request for Correction of Filing Receipt;
7. Copy of Official Filing Receipt with changes marked in red;
8. Copy of the Official Filing Receipt of Application Serial No. 09/518,931;
9. Supplemental Application Data Sheet (5 pages);
10. Request for Correction of Error in Recorded Cover Sheet Under 37 C.F.R. § 3.34;
 - (a). a copy of the Recordation of Assignment Document recorded December 21, 2001 and mailed on February 14, 2002 (error marked in red),
 - (b). a copy of the Recordation Form Cover Sheet (error marked in red) filed December 21, 2001,
 - (c). a copy of the original assignment document (in three counterparts) filed on December 21, 2001, and
 - (d). a new Corrected Recordation Form Cover Sheet and
11. Information Disclosure Statement with Form PTO/SB/08 and copies of references CF-DN.

KKH / MS

VR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gentz et al.

Application No.: 09/935,727

Group Art Unit: 1646

Filed: August 24, 2001

Examiner: E. O'Hara

For: Tumor Necrosis Factor Receptors 6 Alpha & 6
Beta

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-DN listed on the attached Form PTO/SB/08A. A copy of each of references CF-DN is enclosed.

Copies of references AA-CE were submitted by Applicants or cited by the Examiner in connection with U. S. Patent Application Serial No. 09/518,931, filed March 3, 2000, to which the instant application claims priority under 35 U.S.C. § 120. Pursuant to 37 C.F.R. § 1.98(d), the Examiner is directed to the above-listed file for copies of references AA-CE.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR §§ 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425.

Dated: December 16, 2002

Respectfully submitted,

By 

Kenley K. Hoover

Registration No.: 40,302
HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue
Rockville, Maryland 20850
(301) 610-5771
Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/935,727
				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	1	of	7	Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	U.S. Patent Document Number Kind Code ² (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	5,741,667		Goeddel et al.	04-21-98	
	AB	5,885,800		Emery et al.	03-23-99	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Office ³	Foreign Patent Document Number ⁴ Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear T ⁶
	AC		WO95/33051	Genentech Inc., et al.	12-07-95	
	AD		WO96/34095	Human Genome Sciences, Inc. et al.	10-31-96	
	AE		WO98/30694	Human Genome Sciences, Inc., et al.	07-16-98	
	AF		EP 0 861 850	SmithKline Beecham Corporation	09-02-98	

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	AG	Genbank Accession Number AA025673 (08-16-96)	
	AH	KWON et al., <i>The Journal of Biological Chemistry</i> , 272:14272-14276 (1997)	
	AI	GenBank Accession Number W67560 (10-16-96)	
	AJ	GenBank Accession Number M91489 (10-29-92)	
	AK	GIESER et al., <i>Genomics</i> , 13(3):873-876 (7-92)	
	AL	HILLER et al., <i>Genome Research</i> , 6:807-828 (1996)	
	AM	PITTI et al., <i>Nature</i> , 396:699-703 (12-17-98)	
	AN	International Search Report mailed July 11, 2000, in corresponding International Application No. PCT/US00/05686	

Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIP Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet	2	of	7	Attorney Docket Number	PF454P2

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	AO	5,632,994		REED ET AL.	05-27-97	
	AP	5,874,546		NAGATA ET AL.	02-23-99	
	AQ	5,652,210		BARR ET AL.	07-29-97	
	AR	5,663,070		BARR ET AL.	09-02-97	
	AS	5,620,889		LYNCH ET AL.	04-15-97	
	AT	5,830,469		LYNCH ET AL.	11-03-98	

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	AU		WO00/46247	MERCK & CO., INC.	08-10-00		
	AV		WO00/34782	ELI LILLY AND COMPANY	06-15-00		
	AW		WO99/14330	GENENTECH, INC.	03-25-99		
	AX		WO00/53755	GENENTECH, INC.	09-14-00		
	AY		WO00/53223	HUMAN GENOME SCIENCES, INC.	09-14-00		
	AZ		WO00/32221	GENENTECH, INC.	06-08-00		
	BA		WO00/53758	GENENTECH, INC.	09-14-00		
	BB		WO00/37094	ELI LILLY AND COMPANY	06-29-00		
	BC		WO00/58465	ELI LILLY AND COMPANY	10-05-00		
	BD		WO00/58466	ELI LILLY AND COMPANY	10-05-00		
	BE		WO00/01817	SCHERING CORPORATION	01-13-00		
	BF		WO99/07738	REGENERON PHARMACEUTICALS, INC.	02-18-99		
	BG		WO99/04001	ZYMOGENETICS, INC.	01-28-99		
	BH		WO99/26977	BIOGEN, INC.	11-24-98		
	BI		WO99/46376	BASF AKTIENGESELLSCHAFT	09-16-99		
	BJ		WO98/56892	HUMAN GENOME SCIENCES, INC.	12-17-98		
	BK		WO99/33980	CHIRON CORPORATION	07-08-99		
	BL		WO99/11791	UNIVERSITY OF WASHINGTON	03-11-99		
	BM		WO99/31128	INCYTE PHARMACEUTICALS, INC.	06-24-99		
	BN		WO00/60079	CHIRON CORPORATION	10-12-00		
	BO		WO99/50413	ELI LILLY AND COMPANY	10-07-99		

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Sheet	3	of	7	Attorney Docket Number	PF454P2

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS			
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	BP	KIKUNO et al., "Prediction of the Coding Sequences of Unidentified Human Genes, XIV, the Complete Sequences of 100 New cDNA Clones from Brain Which Code for Large Proteins <i>in vitro</i> ," DNA Research 6:197-205 (1999)	
	BQ	BAI et al., "Overexpression of M68/DcR3 in human gastrointestinal tract tumors independent of gene amplification and its location in a four-gene cluster," PNAS 97(3):1230-1235 (02-01-00)	
	BR	YU et al., "A Newly Identified Member of Tumor Necrosis Factor Receptor Superfamily (TR6) Suppresses LIGHT-mediated Apoptosis," The Journal of Biological Chemistry 274(20):13733-13736 (05-14-99)	
	BS	RABINOWICH et al., "Lymphocyte Apoptosis Induced by Fas Ligand-expressing Ovarian Carcinoma Cells," J. Clin. Invest. 101(11):2579-2588 (06-98)	
	BT	WALKER et al., "Tumor expression of Fas ligand (CD95L) and the consequences," Current Opinion in Immunology 10:564-572 (1998)	
	BU	GRATAS, et al., "Up-Regulation of Fas (APO-1/CD95) Ligand and Down-Regulation of Fas Expression in Human Esophageal Cancer," Cancer Research 58:2057-2062 (05-15-98)	
	BV	BUZYN et al., "Membrane-Bound Fas (Apo-1/CD95) Ligand on Leukemic Cells: A Mechanism of Tumor Immune Escape in Leukemia Patients," Blood 94(9):3135-3140 (11-01-99)	
Examiner		Date Considered	

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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			Art Unit	1646	
			Examiner Name	E. O'Hara	
Sheet	4	of	7	Attorney Docket Number	PF454P2

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		Number	Kind Code ² (if known)			

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	BW		WO00/73452		Genentech et al.	12-7-2000		
	BX		WO00/75316		Genentech et al.	12-14-2000		
	BY		WO01/18041		Eli Lilly and Company et al.	3-15-2001		
	BZ		WO01/18055		Eli Lilly and Company et al.	3-15-2001		
	CA		WO01/10908		Amgen Inc., et al.	2-15-2001		
	CB		WO01/18202		Eli Lilly and Company et al.	3-15-2001		

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS					
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	CC	DUESTERHOEFT ET AL., Genbank Accession Number AL157435, 2-15-2000.			

Examiner	Date Considered
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OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ⁶
	CD	ZHANG et al., (June 2001). Modulation of T-cell Responses to Alloantigens by TR6/DcR3. <i>The Journal of Clinical Investigation</i> 107(11):1459-1468.			
	CE	CONNOLLY et al., (2001). In Vivo Inhibition of Fas-Ligand-Mediated Killing by TR6, a Fas Ligand Decoy Receptor. <i>The Journal of Pharmacology and Experimental Therapeutics</i> 298(1):25-33.			

Examiner	Date Considered
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIP Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	6	of	7	Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS					
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	CF	09/912,293-	NOT PUBLISHED	ROSEN et al.	Pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 29783 and 63238
	CG	6,297,367-B1	10-02-2001	TRIBOULEY	
	CH	5,985,614	11-16-1999	ROSEN et al.	
	CI	4,847,325	07-11-1989	SHADLE et al.	

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	CJ	WO00/52028-A1	09/08/2000	HUMAN GENOME SCIENCES, INC.		
	CK	WO01/22920-A2	04/05/2001	HUMAN GENOME SCIENCES, INC.	pages 1-11, 28, 309-334, 358-408, 545-6, 1769 to 2227 and SEQ ID NOS: 227 and 4504	
	CL	WO01/28582-A3	04/26/2001	ELI LILLY AND COMPANY		
	CM	WO01/42463-A1	06/14/2001	ELI LILLY AND COMPANY		
	CN	WO01/42434-A1	06/14/2001	MERCK & CO., INC.		
	CO	WO01/68912-A3	09/20/2001	EPIGENOMICS AG		
	CP	WO02/00677-A1	01/03/2002	HUMAN GENOME SCIENCES, INC.	pages 1-16, 950- 957, 1480-1483, 1604, 1716-1726, 2377, 2401- end of specification; and SEQ ID NOS: 937 and 3112	
	CQ	WO02/000928-A3	01/03/2002	EPIGENOMICS AG	Abstract & Int'l Search Report	
	CR	WO02/09668-A2	02/07/2002	ELI LILLY AND COMPANY		
	CS	WO02/060317-A2	08/08/2002	CORIXA CORPORATION		
	CT	WO02/060947-A3	08/08/2002	ELI LILLY AND COMPANY		
	CU	WO02/060949-A3	08/08/2002	ELI LILLY AND COMPANY		
	CV	WO02/078524-A2	10/10/2002	ZYCOS, INC.		

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¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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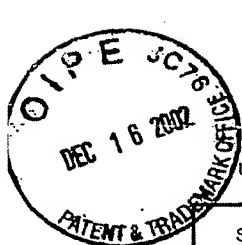
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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CW	YU et al., GenBank Accession No. AF134240, May 11, 1999.	
	CX	ASHKENAZI and DIXIT, "Apoptosis control by death and decoy receptors," Curr. Opin. Cell Biol. 11 (2), 255-260 (1999).	
	CY	SKOLNICK and FETROW, "From genes to protein structure and function:...", Trends in Biotechnology 18, 34-39 (January 2000)	
	CZ	KIKUNO et al., PIR Accession No. T45294, January 31, 2000.	
	DA	BAI et al., GenBank Accession No. AF217793, February 12, 2000.	
	DB	BAI et al., GenBank Accession No. AF217794, February 12, 2000.	
	DC	BAI et al., GenBank Accession No. AF217796, February 21, 2000.	
	DD	YAN et al., "Two-Amino Acid Molecular Switch in an Epithelial Morphogen...", Science 290, 523-527, (October 20, 2000).	
	DE	OHSHIMA et al., "Amplification and expression of a decoy receptor for Fas ligand...", Cancer Letters 160, 89-97, (2000).	
	DF	LOCKSLEY et al., "The TNF and TNF Receptor Superfamilies: Integrating Mammalian Biology," Cell 104, 487-501, (February 23, 2001).	
	DG	WALLIS, GenBank Accession No. AL353715, April 18, 2001.	
	DH	MATTHEWS, GenBank Accession No. AL121845, July 6, 2001.	
	DI	PITTI et al., GenBank Accession No. NM 032945, July 6, 2001.	
	DJ	PITTI et al., GenBank Accession No. NM 032957, July 17, 2001.	
	DK	ADAMS et al., "Initial assessment of human gene diversity and expression patterns," Nature 377 (6547 Supp) 3-174, (September 28, 1995).	
	DL	ADAMS et al., Genbank Accession No. AA325843, April 20, 1997.	
	DM	HILLIER et al., GenBank Accession No. AA025672, February 1, 1997.	
	DN	HILLIER et al., GenBank Accession No. AA155646, November 8, 1997.	

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Sheet	1	of	7	Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS						
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	AA	5,741,667		Goeddel et al.	04-21-98	
	AB	5,885,800		Emery et al.	03-23-99	

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	AC	WO95/33051	Genentech Inc., et al.	12-07-95		
	AD	WO96/34095	Human Genome Sciences, Inc. et al.	10-31-96		
	AE	WO98/30694	Human Genome Sciences, Inc., et al.	07-16-98		
	AF	EP 0 861 850	SmithKline Beecham Corporation	09-02-98		

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	AG	Genbank Accession Number AA025673 (08-16-96)	
	AH	KWON et al., <i>The Journal of Biological Chemistry</i> , 272:14272-14276 (1997)	
	AI	GenBank Accession Number W67560 (10-16-96)	
	AJ	GenBank Accession Number M91489 (10-29-92)	
	AK	GIESER et al., <i>Genomics</i> , 13(3):873-876 (7-92)	
	AL	HILLER et al., <i>Genome Research</i> , 6:807-828 (1996)	
	AM	PITTI et al., <i>Nature</i> , 396:699-703 (12-17-98)	
	AN	International Search Report mailed July 11, 2000, in corresponding International Application No. PCT/US00/05686	

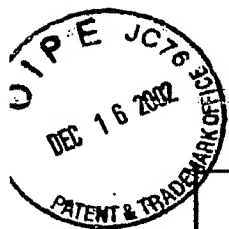
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				Examiner Name	E. O'Hara
Sheet	2	of	7	Attorney Docket Number	PF454P2

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		Number	Kind Code ² (if known)			
	AO	5,632,994		REED ET AL.	05-27-97	
	AP	5,874,546		NAGATA ET AL.	02-23-99	
	AQ	5,652,210		BARR ET AL.	07-29-97	
	AR	5,663,070		BARR ET AL.	09-02-97	
	AS	5,620,889		LYNCH ET AL.	04-15-97	
	AT	5,830,469		LYNCH ET AL.	11-03-98	

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	AU		WO00/46247		MERCK & CO., INC.	08-10-00	
	AV		WO00/34782		ELI LILLY AND COMPANY	06-15-00	
	AW		WO99/14330		GENENTECH, INC.	03-25-99	
	AX		WO00/53755		GENENTECH, INC.	09-14-00	
	AY		WO00/53223		HUMAN GENOME SCIENCES, INC.	09-14-00	
	AZ		WO00/32221		GENENTECH, INC.	06-08-00	
	BA		WO00/53758		GENENTECH, INC.	09-14-00	
	BB		WO00/37094		ELI LILLY AND COMPANY	06-29-00	
	BC		WO00/58465		ELI LILLY AND COMPANY	10-05-00	
	BD		WO00/58466		ELI LILLY AND COMPANY	10-05-00	
	BE		WO00/01817		SCHERING CORPORATION	01-13-00	
	BF		WO99/07738		REGENERON PHARMACEUTICALS, INC.	02-18-99	
	BG		WO99/04001		ZYMOGENETICS, INC.	01-28-99	
	BH		WO99/26977		BIOGEN, INC.	11-24-98	
	BI		WO99/46376		BASF AKTIENGESELLSCHAFT	09-16-99	
	BJ		WO98/56892		HUMAN GENOME SCIENCES, INC.	12-17-98	
	BK		WO99/33980		CHIRON CORPORATION	07-08-99	
	BL		WO99/11791		UNIVERSITY OF WASHINGTON	03-11-99	
	BM		WO99/31128		INCYTE PHARMACEUTICALS, INC.	06-24-99	
	BN		WO00/60079		CHIRON CORPORATION	10-12-00	
	BO		WO99/50413		ELI LILLY AND COMPANY	10-07-99	



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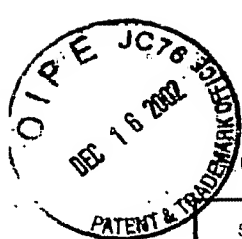
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OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS			
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	BP	KIKUNO et al., "Prediction of the Coding Sequences of Unidentified Human Genes, XIV, the Complete Sequences of 100 New cDNA Clones from Brain Which Code for Large Proteins <i>in vitro</i> ," DNA Research 6:197-205 (1999)	
	BQ	BAI et al., "Overexpression of M68/DcR3 in human gastrointestinal tract tumors independent of gene amplification and its location in a four-gene cluster," PNAS 97(3):1230-1235 (02-01-00)	
	BR	YU et al., "A Newly Identified Member of Tumor Necrosis Factor Receptor Superfamily (TR6) Suppresses LIGHT-mediated Apoptosis," The Journal of Biological Chemistry 274(20):13733-13736 (05-14-99)	
	BS	RABINOWICH et al., "Lymphocyte Apoptosis Induced by Fas Ligand-expressing Ovarian Carcinoma Cells," J. Clin. Invest. 101(11):2579-2588 (06-98)	
	BT	WALKER et al., "Tumor expression of Fas ligand (CD95L) and the consequences," Current Opinion in Immunology 10:564-572 (1998)	
	BU	GRATAS, et al., "Up-Regulation of Fas (APO-1/CD95) Ligand and Down-Regulation of Fas Expression in Human Esophageal Cancer," Cancer Research 58:2057-2062 (05-15-98)	
	BV	BUZYN et al., "Membrane-Bound Fas (Apo-1/CD95) Ligand on Leukemic Cells: A Mechanism of Tumor Immune Escape in Leukemia Patients," Blood 94(9):3135-3140 (11-01-99)	
Examiner		Date Considered	

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Sheet	4	of	7	Attorney Docket Number	PF454P2

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	BW		WO00/73452		Genentech et al.	12-7-2000	
	BX		WO00/75316		Genentech et al.	12-14-2000	
	BY		WO01/18041		Eli Lilly and Company et al.	3-15-2001	
	BZ		WO01/18055		Eli Lilly and Company et al.	3-15-2001	
	CA		WO01/10908		Amgen Inc., et al.	2-15-2001	
	CB		WO01/18202		Eli Lilly and Company et al.	3-15-2001	

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	CC	DUESTERHOEFT ET AL., Genbank Accession Number AL157435, 2-15-2000.	

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Sheet 5 of 7

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	CD	ZHANG et al., (June 2001). Modulation of T-cell Responses to Alloantigens by TR6/DcR3. <i>The Journal of Clinical Investigation</i> 107(11):1459-1468.	
	CE	CONNOLLY et al., (2001). In Vivo Inhibition of Fas-Ligand-Mediated Killing by TR6, a Fas Ligand Decoy Receptor. <i>The Journal of Pharmacology and Experimental Therapeutics</i> 298(1):25-33.	

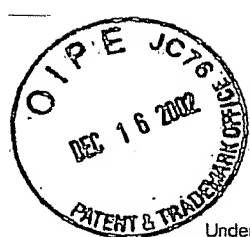
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	CH	5,985,614	11-16-1999	ROSEN et al.	
	CI	4,847,325	07-11-1989	SHADLE et al.	

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	CN	WO01/42434-A1	06/14/2001	MERCK & CO., INC.		
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	CV	WO02/078524-A2	10/10/2002	ZYCOS, INC.		

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¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



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<div>Substitute for form 1449A/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div>				Complete if Known	
				Application Number	09/935,727
				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	7	of	7	Attorney Docket Number	PF454P2

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CW	YU et al., GenBank Accession No. AF134240, May 11, 1999.	
	CX	ASHKENAZI and DIXIT, "Apoptosis control by death and decoy receptors," Curr. Opin. Cell Biol. 11 (2), 255-260 (1999).	
	CY	SKOLNICK and FETROW, "From genes to protein structure and function:...", Trends in Biotechnology 18, 34-39 (January 2000)	
	CZ	KIKUNO et al., PIR Accession No. T45294, January 31, 2000.	
	DA	BAI et al., GenBank Accession No. AF217793, February 12, 2000.	
	DB	BAI et al., GenBank Accession No. AF217794, February 12, 2000.	
	DC	BAI et al., GenBank Accession No. AF217796, February 21, 2000.	
	DD	YAN et al., "Two-Amino Acid Molecular Switch in an Epithelial Morphogen...", Science 290, 523-527, (October 20, 2000).	
	DE	OHSHIMA et al., "Amplification and expression of a decoy receptor for Fas ligand...", Cancer Letters 160, 89-97, (2000).	
	DF	LOCKSLEY et al., "The TNF and TNF Receptor Superfamilies: Integrating Mammalian Biology," Cell 104, 487-501, (February 23, 2001).	
	DG	WALLIS, GenBank Accession No. AL353715, April 18, 2001.	
	DH	MATTHEWS, GenBank Accession No. AL121845, July 6, 2001.	
	DI	PITTI et al., GenBank Accession No. NM_032945, July 6, 2001.	
	DJ	PITTI et al., GenBank Accession No. NM_032957, July 17, 2001.	
	DK	ADAMS et al., "Initial assessment of human gene diversity and expression patterns," Nature 377 (6547 Supp) 3-174, (September 28, 1995).	
	DL	ADAMS et al., Genbank Accession No. AA325843, April 20, 1997.	
	DM	HILLIER et al., GenBank Accession No. AA025672, February 1, 1997.	
	DN	HILLIER et al., GenBank Accession No. AA155646, November 8, 1997.	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Exhibit B

*Official 5/13/03**EA***FAX TRANSMISSION****DATE:** May 13, 2003**PTO IDENTIFIER:** Application Number 09/935,727-Conf. #3532
Patent Number**Inventor:** Gentz et al.**MESSAGE TO:** E. O'Hara**FAX NUMBER:** (703) 746-6901**NUMBER OF PAGES:** 52**FROM:** HUMAN GENOME SCIENCES, INC.

Michele Shannon

PHONE: (301) 610-5790 ext. 2372**Attorney Dkt. #:** PF454P2**Examiner O'Hara,**

Per our telephone conversation today, I am faxing you a copy of Applicants' submission dated December 16, 2002 in Application Serial Number 09/935,727 excluding copies of references CF-DN. I will have copies of the references CF-DN hand carried to you before this week is out.

Additionally, I attach a copy of the return receipt postcard we received back from the USPTO on December 16, 2002 as verification that the attached documents were indeed filed at the USPTO on December 16, 2002.

Please note that a corrected filing receipt in this application was mailed to Applicants on December 20, 2002, thereby fulfilling Applicants December 16, 2002 Request for Corrected Filing Receipt (Items 6-9 on Return Receipt Postcard). The USPTO also issued a new Notice of Recordation of Recordation of Assignment Document on April 18, 2003, thereby fulfilling Applicants December 16, 2002 Request for Correction of Error in a Recorded Cover Sheet (Item 10 on Return Receipt Postcard).

Thank you for your assistance in getting this application examined in a timely manner

Sincerely,

Michele Shannon

Michele Shannon, Ph.D.

Patent Agent

CONTENTS:

Copy of Applicants' filing of 12/16/ 2002 excluding references CF-DN.

Copy of Return Receipt Postcard identifying papers filed by Applicant, date stamped by the USPTO 12-16-2002

Fax transmittal and Certificate of Transmission Under 37 C.F.R. § 1.8

If your receipt of this transmission is in error, please notify this firm immediately by collect call to (301) 610-5790 ext. 2372 and send the original transmission to us by return mail at the address below:

HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue, Rockville, MD 20850
Telephone (301) 610 5790 Facsimile (301) 309-8439

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on May 13, 2003
Date

Vanessa Robertson

Signature

Vanessa Robertson

Typed or printed name of person signing Certificate


Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper

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Copy of Return Receipt Postcard identifying papers filed by Applicant,
date stamped by the USPTO 12-16-2002

Fax transmittal and Certificate of Transmission Under 37 C F R § 1.8

RETURN RECEIPT CARD
(MPEP § 503)

OIPE:	Please Date Stamp In The Box Below And Return To Addressee
	

Application of:
Gentz et al.

Docket No.: PF454P2

Application Serial No.: 09/935,727-Conf. #3532

Art Unit: 1646

Filed: August 24, 2001

Examiner: E. O'hara

Title: Tumor Necrosis Factor Receptors 6 Alpha & 6
Beta

The following documents were filed by Human Genome Sciences, Inc.
via hand delivery on December 16, 2002:

1. Return Receipt Postcard;
2. Fee Transmittal charging \$1146 to deposit account (in duplicate);
3. One Month Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
4. Provisional Election Under 37 C.F.R. § 1.43 With Traverse and Second Preliminary Amendment;
5. Version With Markings To Show Changes Made;
6. Request for Correction of Filing Receipt;
7. Copy of Official Filing Receipt with changes marked in red;
8. Copy of the Official Filing Receipt of Application Serial No. 09/518,931;
9. Supplemental Application Data Sheet (5 pages);
10. Request for Correction of Error in Recorded Cover Sheet Under 37 C.F.R. § 3.34;
 - (a). a copy of the Recordation of Assignment Document recorded December 21, 2001 and mailed on February 14, 2002 (error marked in red),
 - (b). a copy of the Recordation Form Cover Sheet (error marked in red) filed December 21, 2001,
 - (c). a copy of the original assignment document (in three counterparts) filed on December 21, 2001, and
 - (d). a new Corrected Recordation Form Cover Sheet and
11. Information Disclosure Statement with Form PTO/SB/08 and copies of references CF-DN.

KKH/MS

VR

8
DONT
5-14-03Docket No.: PF454P2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gentz et al

Application No.: 09/935,727

Group Art Unit: 1646

Filed: August 24, 2001

Examiner: E. O'Hara

For: Tumor Necrosis Factor Receptors 6 Alpha & 6
Beta

Official
5/13/03
GAINFORMATION DISCLOSURE STATEMENT (IDS)Commissioner for Patents
Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-DN listed on the attached Form PTO/SB/08A. A copy of each of references CF-DN is enclosed.

Copies of references AA-CE were submitted by Applicants or cited by the Examiner in connection with U. S. Patent Application Serial No. 09/518,931, filed March 3, 2000, to which the instant application claims priority under 35 U.S.C. § 120. Pursuant to 37 C.F.R. § 1.98(d), the Examiner is directed to the above-listed file for copies of references AA-CE.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR §§ 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Application No.: 09/935,727

Docket No.: PF454P2

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425.

Dated: December 16, 2002

Respectfully submitted,

By 

Kenley K. Hoover

Registration No.: 40,302
HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue
Rockville, Maryland 20850
(301) 610-5771
Attorney for Applicant

PTO/SB/usa (10-01)

Approved for use through 10/31/2002 OMB 0511-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	09/935,727		
		Filing Date	August 24, 2001		
		First Named Inventor	Reiner L. Gentz		
		Art Unit	1646		
		Examiner Name	E. O'Hara		
Sheet	1	of	7	Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
SPK	AA	5,741,667		Goeddel et al	04-21-98	
EM	AB	5,883,800		Emery et al.	03-23-99	

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Office	Foreign Patent Document Number ⁴	Kind Code ³ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
EA	AC		WO95/33051		Genentech Inc., et al	12-07-95	
	AD		WO96/34095		Human Genome Sciences, Inc et al.	10-31-96	
	AE		WO98/30694		Human Genome Sciences, Inc, et al.	07-16-98	
✓	AF		EP 0 861 850		SmithKline Beecham Corporation	09-02-98	

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁵
EA	AG	Genbank Accession Number AA025673 (08-16-96)	
	AH	KWON et al., <i>The Journal of Biological Chemistry</i> , 272.14272-14276 (1997)	
	AI	GenBank Accession Number W67560 (10-16-96)	
	AJ	GenBank Accession Number M91489 (10-29-92)	
	AK	GIESER et al., <i>Genomics</i> , 13(3).873-876 (7-92)	
	AL	HILLER et al., <i>Genomic Research</i> , 6:807-828 (1996)	
	AM	PITTI et al., <i>Nature</i> , 396:699-703 (12-17-98)	
✓	AN	International Search Report mailed July 11, 2000, in corresponding International Application No PCT/US00/03686	

Examiner	<i>Ellen B. O'Hara</i>	Date Considered	<i>7/16/03</i>
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File Copy

Examiner Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIP Standard ST 3). For Japanese patent documents, the date of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbol as indicated on the document under WIP Standard ST 16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/935,727
		Filing Date	August 24, 2001
		First Named Inventor	Reiner L. Gentz
		Art Unit	1646
		Examiner Name	E. O'Hara
Sheet	2	of	7
		Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
EMA	AO	5,632,994		REED ET AL.	05-27-97	
	AP	5,874,546		NAGATA ET AL.	02-23-99	
	AQ	5,652,210		BARR ET AL.	07-29-97	
	AR	5,663,070		BARR ET AL.	09-02-97	
	AS	5,620,889		LYNCH ET AL.	04-15-97	
	AT	5,830,469		LYNCH ET AL.	11-03-98	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. ¹	Foreign Patent Document Office ³	Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
EMA	AU		WO00/46247		MERCK & CO., INC.	08-10-00		
	AV		WO00/34782		ELI LILLY AND COMPANY	06-15-00		
	AW		WO99/14330		GENENTECH, INC.	03-25-99		
	AX		WO00/53755		GENENTECH, INC.	09-14-00		
	AY		WO00/53223		HUMAN GENOME SCIENCES, INC.	09-14-00		
	AZ		WO00/32221		GENENTECH, INC.	06-08-00		
	BA		WO00/53758		GENENTECH, INC.	09-14-00		
	BB		WO00/37094		ELI LILLY AND COMPANY	06-29-00		
	BC		WO00/58465		ELI LILLY AND COMPANY	10-05-00		
	BD		WO00/58466		ELI LILLY AND COMPANY	10-05-00		
	BE		WO00/01817		SCHERING CORPORATION	01-13-00		
	BF		WO99/07738		REGENERON PHARMACEUTICALS, INC.	02-18-99		
	BG		WO99/04001		ZYMOGENETICS, INC.	01-28-99		
	BH		WO99/26977		BIOGEN, INC.	11-24-98		
	BI		WO99/46376		BASF AKTIENGESELLSCHAFT	09-16-99		
	BJ		WO98/56892		HUMAN GENOME SCIENCES, INC.	12-17-98		
	BK		WO99/33980		CHIRON CORPORATION	07-08-99		
	BL		WO99/11791		UNIVERSITY OF WASHINGTON	03-11-99		
	BM		WO99/31128		INCYTE PHARMACEUTICALS, INC.	06-24-99		
	BN		WO00/60079		CHIRON CORPORATION	10-12-00		
BO		WO99/50413		ELI LILLY AND COMPANY	10-07-99			

Eileen O'Hara

7/16/03

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			Filing Date	August 24, 2001	
			First Named Inventor	Reiner L. Gentz	
			Art Unit	1646	
			Examiner Name	E. O'Hara	
Sheet	3	of	7	Attorney Docket Number	PF454P2

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T*
EA	BP	KIKUNO et al., "Prediction of the Coding Sequences of Unidentified Human Genes, XIV, the Complete Sequences of 100 New cDNA Clones from Brain Which Code for Large Proteins <i>in vitro</i> ," DNA Research 6:197-205 (1999)			
	BQ	BAI et al., "Overexpression of M68/DcR3 in human gastrointestinal tract tumors independent of gene amplification and its location in a four-gene cluster," PNAS 97(3) 1230-1235 (02-01-00)			
	BR	YU et al., "A Newly Identified Member of Tumor Necrosis Factor Receptor Superfamily (TR6) Suppresses LIGHT-mediated Apoptosis," The Journal of Biological Chemistry 274(20) 13733-13736 (05-14-99)			
	BS	RABINOWICH et al., "Lymphocyte Apoptosis Induced by Fas Ligand-expressing Ovarian Carcinoma Cells," J. Clin. Invest. 101(11):2579-2588 (06-98)			
	BT	WALKER et al., "Tumor expression of Fas ligand (CD95L) and the consequences," Current Opinion in Immunology 10 564-572 (1998)			
	BU	GRATAS, et al., "Up-Regulation of Fas (APO-1/CD95) Ligand and Down-Regulation of Fas Expression in Human Esophageal Cancer," Cancer Research 58:2057-2062 (05-15-98)			
✓	BV	BUZYN et al., "Membrane-Bound Fas (Apo-1/CD95) Ligand on Leukemic Cells: A Mechanism of Tumor Immune Escape in Leukemia Patients," Blood 94(9):3135-3140 (11-01-99)			
Examiner		Elin B.O'Hara		Date Considered 7/16/03	

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* Unique citation designation number. * See attached Kinds of U.S. Patent Documents. * Enter Office that issued the document, by the two-letter code (WIP Standard ST 3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIP Standard ST.16 if possible. * Applicant is to place a check mark here if English language Translation is attached.

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P10/SB/US/A (10 01)

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Sheet	4	of	7

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	U.S. Patent Document Kind Code ² (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number				

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. ¹	Office ³	Foreign Patent Document Number ⁴	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
EHA	BW		WO00/73452		Genentech et al.	12-7-2000		
↓	BX		WO00/75316		Genentech et al.	12-14-2000		
	BY		WO01/18041		Eli Lilly and Company et al.	3-15-2001		
	BZ		WO01/18053		Eli Lilly and Company et al.	3-15-2001		
	CA		WO01/10908		Amgen Inc. et al.	2-15-2001		
	CB		WO01/18202		Eli Lilly and Company et al.	3-15-2001		

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS				
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EHA	CC	DUESTERHOEF ET AL., Genbank Accession Number AL157435, 2-15-2000		

Examiner	Elin B. O'Hara	Date Considered	7/16/03
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On a scale of 100 of information utilities it contains a valid OMB control number

Application Number	09/935,727
Filing Date	August 24, 2001
First Named Inventor	Reiner L. Gentz
ATT Unit	1646
Examiner Name	E. O'Hara
Attorney Docket Number	PF454P2

Received from < 3013098439 > at 5/13/03 4:14:47 PM [Eastern Daylight Time]

PTO/SB/08A (10-01)

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			First Named Inventor	Reiner L. Gentz	
			Art Unit	1646	
			Examiner Name	E. O'Hara	
			Attorney Docket Number	PF454P2	
Sheet	6	of	7		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
EA	CF	09/912,293-	NOT PUBLISHED	ROSEN et al.	Pages 1-75 (pages 1 & 2 partially redacted), portion of Table 2, and SEQ ID NOS: 29783 and 63238
↓	CG	6,297,367-B1	10-02-2001	TRIBOULEY	
↓	CH	5,985,614	11-16-1999	ROSEN et al.	
↓	CI	4,847,325	07-11-1989	SHADLE et al	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ¹ -Number ² -Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
EA	CJ	WO00/52028-A1	09/08/2000	HUMAN GENOME SCIENCES, INC.	
EA	CK	WQ01/22920-A2	04/05/2001	HUMAN GENOME SCIENCES, INC.	pages 1-11, 28, 309-334, 358-408, 545-6, 1769 to 2227 and SEQ ID NOS: 227 and 4504
EA	CL	WO01/28582-A3	04/26/2001	ELI LILLY AND COMPANY	
EA	CM	WO01/42463-A1	06/14/2001	ELI LILLY AND COMPANY	
EA	CN	WO01/42434-A1	06/14/2001	MERCK & CO., INC.	
EA	CO	WO01/68912-A3	09/20/2001	EPIGENOMICS AG	
EA	CP	WO02/00677-A1	01/03/2002	HUMAN GENOME SCIENCES, INC.	pages 1-16, 950- 957, 1480-1483, 1604, 1716-1726, 2377, 2401- end of specification, and SEQ ID NOS: 937 and 3112
EA	CQ	WO02/000928-A3	01/03/2002	EPIGENOMICS AG	Abstract & Int'l Search Report
EA	CR	WO02/09668-A2	02/07/2002	ELI LILLY AND COMPANY	
EA	CS	WO02/060317-A2	08/08/2002	CORIXA CORPORATION	
EA	CT	WO02/060947-A3	08/08/2002	ELI LILLY AND COMPANY	
EA	CU	WO02/060949-A3	08/08/2002	ELI LILLY AND COMPANY	
EA	CV	WO02/078524-A2	10/10/2002	ZYCOS, INC	

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¹ Applicant's unique citation designation number (optional). ² See attached Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. *Applicant is to place a check mark here if English language Translation is attached.

Cileen B. O'Hara

7/16/03

PTO/SB/usa (10-01)

Approved for use through 10/31/2002 OMB 0851-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/935,727
		Filing Date	August 24, 2001
		First Named Inventor	Reiner L. Gentz
		Art Unit	1646
		Examiner Name	E. O'Hara
		Attorney Docket Number	PF454P2
Sheet	7	of	7

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-episode number(s), publisher, city and/or country where published	T ¹
20A	CW	YU et al., GenBank Accession No. AF134240, May 11, 1999	
	CX	ASHKENAZI and DIXIT, "Apoptosis control by death and decoy receptors," Curr Opin. Cell Biol. 11 (2), 255-260 (1999).	
	CY	SKOLNICK and FETROW, "From genes to protein structure and function: ." Trends in Biotechnology 18, 34-39 (January 2000)	
	CZ	KIKUNO et al., PIR Accession No. T45294, January 31, 2000.	
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	DB	BAI et al., GenBank Accession No. AF217794, February 12, 2000.	
	DC	BAI et al., GenBank Accession No. AF217796, February 21, 2000	
	DD	YAN et al., "Two-Amino Acid Molecular Switch in an Epithelial Morphogen....," Science 290, 523-527, (October 20, 2000).	
	DE	OHSHIMA et al., "Amplification and expression of a decoy receptor for Fas ligand....," Cancer Letters 160, 89-97, (2000).	
	DF	LOCKSLEY et al., "The TNF and TNF Receptor Superfamilies: Integrating Mammalian Biology," Cell 104, 487-501, (February 23, 2001).	
	DG	WALLIS, GenBank Accession No. AL353715, April 18, 2001	
	DH	MATTHEWS, GenBank Accession No. AL121845, July 6, 2001.	
	DI	PITTI et al., GenBank Accession No. NM_032945, July 6, 2001.	
	DJ	PITTI et al., GenBank Accession No. NM_032957, July 17, 2001.	
	DK	ADAMS et al., "Initial assessment of human gene diversity and expression patterns," Nature 377 (6547 Supp) 3-174, (September 28, 1995).	
	DL	ADAMS et al., Genbank Accession No. AA325843, April 20, 1997	
	DM	HILLIER et al., GenBank Accession No. AA025672, February 1, 1997	
	DN	HILLIER et al., GenBank Accession No. AA155646, November 8, 1997	

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Examiner Signature	Eileen B. O'Hara	Date Considered	7/16/03
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Exhibit C

RETURN RECEIPT CARD

(MPEP § 503)

OIPE:	Please Date Stamp In The Box Below And Return To Addressee
<div>RECEIVED MAY 16 11 24 AM 2003</div>	

Application of:
Gentz et al.

Docket No.: PF454P2

Application Serial No.: 09/935,727-Conf. #3532

Art Unit: 1646

Filed: August 24, 2001

Examiner: E. O'hara

Title: Tumor Necrosis Factor Receptors 6 Alpha & 6
Beta

The following documents were filed by Human Genome Sciences, Inc.
via hand delivery on May 16, 2003:

1. Return Receipt Postcard;
2. Letter to Examiner O'Hara; and
3. Copy of pages 6 and 7 of Form PTO/SB/08 filed December 16, 2002, with copies of listed references CF-DN.



HGS

Human Genome Sciences, Inc.

Legal Department
9410 Key West Avenue
Rockville, MD 20850
(301) 309-8504 (301) 309-8439 Fax

Kenley K. Hoover, Ph.D.
Assistant General Counsel,
Intellectual Property
Writer's Direct Dial: (301) 610-5771
E-mail Kenley.Hoover@HGSI.COM

May 16, 2003

Examiner Eileen B. O'Hara
1911 South Clark Place
Crystal Plaza 2 / 7th Floor
Arlington, VA 22202

Re: U.S. Patent Application
Application No.: 09/935,727
Title: Tumor Necrosis Factors 6Alpha and 6Beta
Filed: August 24, 2001
Inventor: Gentz et al
Our Reference: PF454P2

Dear Examiner O'Hara:

As stated in our facsimile of May 13, 2003, we are enclosing a complete set of references CF-DN previously forwarded to the USPTO with our filing of December 16, 2002.

Please do not hesitate to contact us if there are any questions or you require anything further.

Very truly yours,

Kenley K. Hoover
Registration No.: 40,302

KKH/MS/vsr
Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/935,727
				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	6	of	7	Attorney Docket Number	PF454P2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	CF	09/912,293-	NOT PUBLISHED	ROSEN et al.	Pages 1-75 (pages 1 & 2 partially redacted); portion of Table 2; and SEQ ID NOS: 29783 and 63238
	CG	6,297,367-B1	10-02-2001	TRIBOULEY	
	CH	5,985,614	11-16-1999	ROSEN et al.	
	CI	4,847,325	07-11-1989	SHADLE et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	CJ	WO00/52028-A1	09/08/2000	HUMAN GENOME SCIENCES, INC.		
	CK	WO01/22920-A2	04/05/2001	HUMAN GENOME SCIENCES, INC.	pages 1-11, 28, 309-334, 358-408, 545-6, 1769 to 2227 and SEQ ID NOS: 227 and 4504	
	CL	WO01/28582-A3	04/26/2001	ELI LILLY AND COMPANY		
	CM	WO01/42463-A1	06/14/2001	ELI LILLY AND COMPANY		
	CN	WO01/42434-A1	06/14/2001	MERCK & CO., INC.		
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	CP	WO02/00677-A1	01/03/2002	HUMAN GENOME SCIENCES, INC.	pages 1-16, 950- 957, 1480-1483, 1604, 1716-1726, 2377, 2401- end of specification; and SEQ ID NOS: 937 and 3112	
	CQ	WO02/000928-A3	01/03/2002	EPIGENOMICS AG	Abstract & Int'l Search Report	
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	CS	WO02/060317-A2	08/08/2002	CORIXA CORPORATION		
	CT	WO02/060947-A3	08/08/2002	ELI LILLY AND COMPANY		
	CU	WO02/060949-A3	08/08/2002	ELI LILLY AND COMPANY		
	CV	WO02/078524-A2	10/10/2002	ZYCOS, INC.		

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				Application Number	09/935,727
				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	7	of	7	Attorney Docket Number	PF454P2

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CW	YU et al., GenBank Accession No. AF134240, May 11, 1999.	
	CX	ASHKENAZI and DIXIT, "Apoptosis control by death and decoy receptors," Curr. Opin. Cell Biol. 11 (2), 255-260 (1999).	
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Examiner Signature		Date Considered	
--------------------	--	-----------------	--



HGS

Human Genome Sciences, Inc.

Legal Department
9410 Key West Avenue
Rockville, MD 20850
(301) 309-8504 (301) 309-8439 Fax

Kenley K. Hoover, Ph.D.
Assistant General Counsel,
Intellectual Property
Writer's Direct Dial: (301) 610-5771
E-mail Kenley_Hoover@HGSI.COM

May 16, 2003

Examiner Eileen B. O'Hara
1911 South Clark Place
Crystal Plaza 2 / 7th Floor
Arlington, VA 22202

Re: U.S. Patent Application
Application No.: 09/935,727
Title: Tumor Necrosis Factors 6Alpha and 6Beta
Filed: August 24, 2001
Inventor: Gentz et al
Our Reference: PF454P2

RECEIVED
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MAY 16 PM 2:48

Dear Examiner O'Hara:

As stated in our facsimile of May 13, 2003, we are enclosing a complete set of references CF-DN previously forwarded to the USPTO with our filing of December 16, 2002.

Please do not hesitate to contact us if there are any questions or you require anything further.

Very truly yours,

Kenley K. Hoover
Registration No.: 40,302

KKH/MS/vsr
Enclosures

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				Filing Date	August 24, 2001
				First Named Inventor	Reiner L. Gentz
				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	6	of	7	Attorney Docket Number	PF454P2

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	CH	5,985,614	11-16-1999	ROSEN et al.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	09/935,727
				Filing Date	August 24, 2001
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				Art Unit	1646
				Examiner Name	E. O'Hara
Sheet	7	of	7	Attorney Docket Number	PF454P2

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	CY	SKOLNICK and FETROW, "From genes to protein structure and function:....," Trends in Biotechnology 18, 34-39 (January 2000)	
	CZ	KIKUNO et al., PIR Accession No. T45294, January 31, 2000.	
	DA	BAI et al., GenBank Accession No. AF217793, February 12, 2000.	
	DB	BAI et al., GenBank Accession No. AF217794, February 12, 2000.	
	DC	BAI et al., GenBank Accession No. AF217796, February 21, 2000.	
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	DF	LOCKSLEY et al., "The TNF and TNF Receptor Superfamilies: Integrating Mammalian Biology," Cell 104, 487-501, (February 23, 2001).	
	DG	WALLIS, GenBank Accession No. AL353715, April 18, 2001.	
	DH	MATTHEWS, GenBank Accession No. AL121845, July 6, 2001.	
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	DK	ADAMS et al., "Initial assessment of human gene diversity and expression patterns," Nature 377 (6547 Supp) 3-174, (September 28, 1995).	
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	DM	HILLIER et al., GenBank Accession No. AA025672, February 1, 1997.	
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Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Exhibit D

Patent Term Adjustment

Filing or 371(c) Date:	08-24-2001	USPTO Delay (PTO) Delay (days):	415
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	239
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	176
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
09-15-2006	Mail Notice of Allowance	12	
09-11-2006	Notice of Allowance Data Verification Completed	⬆	
08-24-2001	Information Disclosure Statement considered	⬆	
08-09-2006	Examiner Interview Summary Record (PTOL - 413)	⬆	
07-21-2006	Mail Miscellaneous Communication to Applicant	⬆	
07-19-2006	Miscellaneous Communication to Applicant - No Action Count	⬆	
07-19-2006	Interference Communication: Initial Memo Disposal	⬆	
05-03-2006	Information Disclosure Statement considered	⬆	
05-03-2006	Information Disclosure Statement (IDS) Filed	⬆	
05-11-2006	Date Forwarded to Examiner	⬆	
05-03-2006	Response after Non-Final Action		88
05-03-2006	Request for Extension of Time - Granted		⬆
11-04-2005	Mail Non-Final Rejection		⬆
11-03-2005	Non-Final Rejection		
10-18-2005	Date Forwarded to Examiner		
10-11-2005	Amendment after Final Rejection		
10-11-2005	Request for Extension of Time - Granted		
05-13-2003	Miscellaneous Incoming Letter		
08-24-2001	Information Disclosure Statement (IDS) Filed		
09-08-2005	Mail Final Rejection (PTOL - 326)		
09-06-2005	Final Rejection		
07-21-2005	IFW TSS Processing by Tech Center Complete		
07-21-2005	Date Forwarded to Examiner		
07-19-2005	Response after Non-Final Action		
05-09-2005	Mail Non-Final Rejection	287	
05-03-2005	Non-Final Rejection	⬆	
02-08-2005	Date Forwarded to Examiner	⬆	
02-08-2005	to Close the A/R Record and Reset the Status for Expired Suspensions.	⬆	
01-13-2005	Miscellaneous Incoming Letter	⬆	
07-12-2004	Mail Letter of Suspension	⬆	
07-12-2004	Letter of Suspension - Examiner Initiated	⬆	

06-16-2004	Workflow incoming amendment IFW	⬆	
05-16-2003	Reference capture on IDS	⬆	
12-16-2002	Reference capture on IDS	⬆	
05-16-2003	Information Disclosure Statement (IDS) Filed		151
03-26-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	⬆	
04-12-2004	Date Forwarded to Examiner	⬆	
03-26-2004	Amendment/Argument after Notice of Appeal	⬆	
03-26-2004	Notice of Appeal Filed	⬆	
01-28-2004	Mail Final Rejection (PTOL - 326)	⬆	
01-26-2004	Final Rejection	⬆	
10-29-2003	Substitute Specification Filed	⬆	
11-14-2003	Date Forwarded to Examiner	⬆	
10-29-2003	Response after Non-Final Action	⬆	
07-29-2003	Mail Non-Final Rejection	104	
07-28-2003	Non-Final Rejection	⬆	
12-16-2002	Information Disclosure Statement (IDS) Filed	⬆	
05-14-2003	Date Forwarded to Examiner	⬆	
12-16-2002	Response to Election / Restriction Filed	⬆	
12-16-2002	Request for Extension of Time - Granted		
11-05-2002	Mail Restriction Requirement	12	
11-04-2002	Requirement for Restriction / Election	⬆	
01-14-2002	Case Docketed to Examiner in GAU	⬆	
01-08-2002	Application Dispatched from OIPE	⬆	
01-07-2002	Application Is Now Complete	⬆	
10-22-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	⬆	
10-19-2001	Correspondence Address Change	⬆	
10-05-2001	CRF Is Good Technically / Entered into Database	⬆	
09-05-2001	IFW Scan & PACR Auto Security Review	⬆	
08-24-2001	Initial Exam Team nn	⬆	